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Attorneys for Defendant
BAYPORT MARINA PLAZA LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICK CONNALLY, an individual; and
DISABILITY RIGHTS ENFORCEMENT,
EDUCATION, SERVICES: HELPING YOU
HELP OTHERS, a California public benefit
corporation,

Plaintiffs,

BAYPORT MARINA PLAZA LLC, a limited
liability company,

Defendant.

Case No. C-07-3032-BZ

**NOTICE OF MOTION AND MOTION TO
DISMISS SECOND, THIRD AND FOURTH
CAUSES OF ACTION PURSUANT TO
FRCP 12(b)(1)**

Date: October 17, 2007

Time: 10:00 a.m.

Courtroom: 880

Judge: Bernard Zimmerman

PLEASE TAKE NOTICE that on October 17, 2007 in Courtroom 880 of the United States District Court for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Defendant Bayport Marina Plaza LLC ("Defendant") will and hereby does make a Motion to Dismiss Plaintiffs' Second, Third, and Fourth Causes of Action pursuant to 28 U.S.C. §1367(c) (1), (2) and (4) for lack of supplemental jurisdiction (Fed. R. Civ. Proc. 12(b)(1)).

The Motion will be based on:

(a) This Notice of Motion and Motion;

(b) The attached Memorandum of Points and Authorities;

(c) Federal Rules of Civil Procedure, Rule 12(b)(1) (for lack of supplemental jurisdiction as to the state law claims).

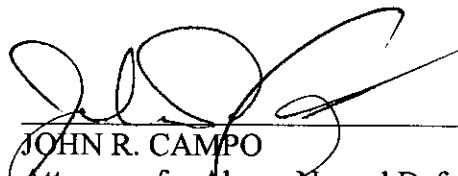
(d) The pleadings, records, and files herein, the U.S. District Court's decisions in *Molski v. Mandarin Touch Restaurant*, 347 F. Supp. 2d 860 (C.D. Cal. 2004), *Molski. et al. v. Mandarin Touch Restaurant and Jankey, et al. v. Yang Chow Restaurant Pasadena*, 359 F. Supp. 2d 924 (C.D. Cal. 2005), and *Molski, et al. v. Kahn Winery, et al.*, 381 F. Supp. 2d 1209 (C.D. Cal. 2005), and matters of which judicial notice is requested.

Dated: August 27, 2007

Respectfully submitted,

BRANSON, BRINKOP, GRIFFITH & STRONG

By:


JOHN R. CAMPO
Attorneys for Above-Named Defendant

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